

REMARKS

Reconsideration and further examination of the subject patent application in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-40 are currently pending in the application. The Drawings have been objected to, and claim 28 has been objected to for informalities. Claims 1-6, 8-9, 15-20, 22-23, 29-34, 36, and 37 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Pub. No. 2004/0133647 to McKinnon, et al. ("McKinnon"). Claims 7, 21, and 35 have been rejected under 35 U.S.C. §103(a) as unpatentable over McKinnon further in view of U.S. Pat. Pub. No. 2003/0133647 to Chaney, et al. ("Chaney"), and claims 10, 24, and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McKinnon further in view of U.S. Pat. Pub. No. 2005/0100157 to Gray, et al. ("Gray"). Claims 11-12, 25-26, and 39-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McKinnon and Gray further in view of Chaney. Claims 1-7, 15, 28, and 29 have been amended for clarification. After a careful review of the claims and cited references, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

The drawings have been objected to for use of each reference character 48, 50, and 52 for two different structures, and because reference 10 and 12 appear to be referencing the same object. These deficiencies have been corrected by renumbering the Proxy Server to 49, the Report Generator to 51, and the reconfiguration processor to 53, and correcting the designation of the reference 10 in the attached proposed Replacement Sheet. Approval of the proposed drawing changes is respectfully requested. In addition, appropriate corrections to the specification in paragraph 0030 and 0031 have been made. Claim 28 has been objected to for improper antecedent and has been amended as suggested by the Examiner. Therefore, all informalities have been corrected and the specification and claims are now believed to be in proper form.

All the independent claims 1, 15, and 29 are limited to sending a SIP SUBSCRIBE message to a presentity server requesting status of a separate second resource that performs a service for the separate first resource and sending a SIP NOTIFY message notifying the first resource of the status of the second resource (see e.g., paragraphs 0025-0028).

Claims 1-6, 8-9, 15-20, 22, 23, 29-34, 36, and 37 have been rejected as anticipated by McKinnon. McKinnon is directed to a system to allow messaging between agents using presence messaging. The Office Action asserts that sending a SIP SUBSCRIBE message from a first resource to a presentity server requesting a status of a second resource that performs a service for the fact is disclosed in paragraphs 0005, 0021, 0027-29, and 0031 of McKinnon. However, these paragraphs describe use of the SUBSCRIBE message by watcher devices to request a relationship with a presentity so the presentity will communicate presence information to the watcher device. Thus, the SUBSCRIBE message is used in a different way than that claimed. In the claim a first resource uses the SUBSCRIBE message to request a status of a second resource while in McKinnon, the SUBSCRIBE messages are used by a first presentity in the presentity server, to request a relationship with another presentity within the presentity server. Thus, the SUBSCRIBE message is not requesting status of the second resource separate from the presentity server but instead requests a subscription between presentities within the presentity server. Further, McKinnon does not send the SIP NOTIFY message from the second resource to the separate first resource to notify status of the second, but rather sends the NOTIFY messages between presentities within the presence server. Thus, these claimed features of independent claims 1, 15, and 29 are not disclosed by McKinnon.

Since McKinnon and the other cited references fail to provide any teaching of these features, the references fail to teach or suggest each and every claim limitation. Therefore, independent claims 1, 15, and 29 are believed to be allowable over the cited references as are

dependent claims 2-14, 16-28, and 30-40 which depend from now allowable claims 1, 15, and 29.

Claims 7, 21 and 35 have been rejected as being obvious over McKinnon and Chaney. In this regard, Chaney also fails to teach or suggest the above discussed claimed features. In addition, Chaney describes determining a conference server with the lightest load but does not describe the claimed comparing of the load level to a threshold and determining that the ACD is unavailable if it exceeds the threshold. Since McKinnon and Chaney fail to provide any teaching of these features, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the claims 7, 21, and 35 are believed to be allowable over the cited references.

Claims 11-12, 25-26, and 39-40 have been rejected as being obvious over McKinnon in view of Chaney and Gray. It may be noted in this regard that Gray also fails to teach or suggest the above discussed features as well as the claimed use of queue length, loading of call routing application and a third resource. Since the cited references fail to provide teaching of these features, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the claims 11-14, 25-28, and 39-40 are believed to be allowable.

Claim 3 has also been amended to claim an ACD which searches for a presentity server upon activation and registers by sending a REGISTER message (see e.g., paragraph 0026). Claim 4 has been amended to claim sending a SIP SUBSCRIBE to the presentity server identifying the ACD and requesting status (see e.g., paragraph 0027). Claim 5 has been amended to claim confirming that the ACD is registered and sending SIP messages in response (see e.g., paragraph 0027). Claim 6 has been amended to claim the ACD forwarding the NOTIFY message to the presentity and the first computer resource (see e.g.,

paragraph 0028). These features are also not disclosed by the cited references and therefore are believed to be further distinguishable.

For the foregoing reasons, applicant submits that the subject application and all pending claims 1-40 are in condition for allowance, and applicant earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. § § 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

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